

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, :

Plaintiff, : **CIVIL ACTION NO. 3:16-1252**

v. : **(JUDGE MANNION)**

D.G. YUENGLING AND SON, INC., :

Defendant. :

MEMORANDUM

Pending before the court is the plaintiff, United States of America's Motion to Enter a Consent Decree. (Doc. 4). This case relates to alleged violations of the Clean Water Act by the defendant D.G. Yuengling and Son, Inc.'s ("Yuengling" or "defendant") at its brewing and processing facilities in Pottsville, Pennsylvania. The Government alleges that the defendant violated sections 307 and 402 of Clean Water Act, 33 U.S.C. §§1317, 1342, by discharging wastewater from its facilities at 501 Mahantongo Street ("Old Brewery Facility") and 310 Mill Creek Avenue ("New Brewery Facility") to the Greater Pottsville Area Sewer Authority, in violation of the required effluent limits as well as the reporting, notice, and sampling pretreatment permit requirements. (Doc. 4, Ex. 1, p. 2); (Doc. 1, ¶¶ 28-54). At least 141 violations were self-reported by the defendant. (Doc. 4, Ex. 1, p. 2).

As a result of the foregoing events, the Government filed a Complaint

on June 23, 2016 against the defendant. (Doc. 1). That same day, the Government, along with the defendant, filed a Notice of Lodging of Proposed Consent Decree to resolve claims included in the Complaint, (Doc. 3), and attached the Proposed Consent Decree. (Doc. 3, Ex. 1). The Proposed Consent Decree provides that the defendant will pay a civil penalty in the amount of \$2.8 million, (Doc. 3, Ex. 1, ¶ 11), and further includes a list of injunctive remedies. These remedies include: implementation of “a company-wide environmental management system focused on achieving Clean Water Act compliance,” (Doc. 4, Ex. 1, p.3); third-party environmental audits and monthly inspections to identify potential problem areas; Communication and Notification plan; construction and operation of a pretreatment system at the Old Brewery Facility; enhancements to the operation and maintenance of the pretreatment system at the New Brewery Facility; maintenance of certified wastewater operators; electronic data tracking requirements; tiered violation response plan; annual formal training on Clean Water Act and related requirements; automatic stipulated payment of penalties for violations of pretreatment permit requirements. *Id.* at 3-4.

On June 28, 2016, after filing the Notice and Proposed Consent Decree with this court, the Government published public notice in the Federal

Register, commencing the requisite thirty (30) day public comment period. (Doc. 4, Ex. 1, p. 1); see 81 Fed. Reg. 41,996 (June 28, 2016). The public comment period expired, and no comments were received. (Doc. 4, Ex. 1, p. 1). Finally, on August 24, 2016, the Government filed a Motion to Enter Consent Decree, in which it alleges that the Proposed Consent Decree is fair, reasonable, and consistent with the goals of the Clean Water Act. (Doc. 4). All parties are in agreement regarding the Consent Decree. The Government therefore requests that this court approve the Proposed Consent Decree and enter it as a final judgment in the matter. *Id.*

Having reviewed the Proposed Consent Decree, the Government's motion, and its supporting brief, the reasoning of which the court adopts in its entirety, the Motion to Enter the consent decree is **GRANTED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: September 28, 2016

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